

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :

v. : **CRIMINAL NO. 13-008**

JOSE TIRADO :

ORDER

AND NOW, this _____ day of _____, 2015, upon consideration of the government's motion pursuant to 28 U.S.C. § 2041 requesting the Court to enter an Order authorizing the Clerk of Court to accept a payment for the defendant's criminal monetary penalties prior to sentencing in the above-captioned case, for cause shown, the Court concludes that the motion should be granted, and, therefore, it is hereby

ORDERED that the Motion of United States of America to Authorize the
Prepayment of Criminal Monetary Penalties is GRANTED; and it is further

ORDERED that, pursuant to 28 U.S.C. § 2041, the defendant is authorized to pay over to the Clerk of Court, and the Clerk of Court shall accept, payment of the criminal monetary penalties prior to the scheduled sentencing hearing in this case. The Clerk of Court shall maintain such funds on deposit until the time of sentencing; and it is further

ORDERED that, pursuant to 28 U.S.C. § 2042, upon entry of a criminal judgment in this case, the Clerk of Court is authorized to withdraw and apply the deposited funds to the criminal monetary penalties imposed against the defendant at sentencing in this case.

BY THE COURT:

HONORABLE CYNTHIA M. RUFÉ
Judge, United States District Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
 :
 v. : **CRIMINAL NO. 13-008**
 :
 JOSE TIRADO :

**MOTION OF UNITED STATES OF AMERICA
TO AUTHORIZE PREPAYMENT OF CRIMINAL MONETARY PENALTIES**

The United States of America, by its attorneys, Zane David Memeger, United States Attorney for the Eastern District of Pennsylvania, and Ashley K. Lunkenheimer, Assistant United States Attorney, pursuant to 28 U.S.C. § 2041, requests this Court to enter an order authorizing the Clerk of Court to accept from the defendant, or his designated representative, payment of the criminal monetary penalties to be imposed at sentencing in the above-captioned case and maintain such payment on deposit until the time of sentencing. Pursuant to 28 U.S.C. § 2042, the government also requests that this Court authorize the Clerk, upon entry of a criminal judgment, to apply such funds as payment for the criminal monetary penalties imposed against the defendant. In support of the motion, the government avers as follows:

1. On January 8, 2013, the defendant, Jose Tirado, was charged in a 15-count indictment with conspiracy to defraud the government with respect to claims, in violation of Title 18, United States Code, Section 286 (Count One), and filing or causing to file false claims, in violation of Title 18, United States Code, Section 287 (Count Two through 15), all arising from his role in preparing, causing to be prepared, and filing federal individual tax returns that falsely and fraudulently inflated earned income amounts in order to obtain tax refunds that included amounts based on Earned Income Tax credits.

2. On May 14, 2015, the defendant pled guilty to Counts One through 15 of the indictment, pursuant to a plea agreement with the government.

3. Among other things, the plea agreement provides that the defendant shall pay any criminal fine, restitution of as much as \$407,787, and special assessment that this Court may impose at the time of sentencing.

4. The defendant has agreed to pay the criminal monetary penalties to be imposed by this Court prior to the date of the sentencing hearing.

5. The Clerk of Court requires an Order to properly accept and maintain these funds on deposit with the Court.

6. Pursuant to 28 U.S.C. § 2041, the defendant is authorized to pay such funds into the Court and the Clerk of Court is authorized to accept and hold such funds in a designated depository account until the time of sentencing.

7. Furthermore, 28 U.S.C. § 2042, provides that “no money deposited under section 2041 . . . shall be withdrawn except by order of court.” Pursuant to 28 U.S.C. Section 2042, the government requests that this Court authorize the Clerk of Court, upon the entry of a criminal judgment in this case, to withdraw and apply the deposited funds as payment for the criminal monetary penalties, *i.e.*, special assessment, restitution, or criminal fine, imposed upon the defendant at sentencing in this case.

8. The government submits that it is in the interests of justice to allow the Clerk of Court accept the payment from the defendant. The requested relief will enable the defendant to pay his criminal monetary penalties prior to sentencing and allow the Clerk to apply the payment to the defendant’s financial obligations immediately after sentencing.

Accordingly, the government requests that this Court grant the motion.

WHEREFORE, for the reasons stated above, the government requests that this Court grant the motion.

Respectfully submitted,

ZANE DAVID MEMEGER
United States Attorney

/s/
ASHLEY K. LUNKENHEIMER
Assistant United States Attorney

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this date, I caused a true and correct copy of the MOTION OF UNITES STATES OF AMERICA TO AUTHORIZE PREPAYMENT OF CRIMINAL MONETARY PENALTIES to be filed electronically (and thus is available for viewing and downloading from the ECF system) as follows:

Thomas P. Pfender, Esquire

_____/s/
ASHLEY K. LUNKENHEIMER
Assistant United States Attorney

Date: October 19, 2015